

**DISTRICT VI ADVISORY BOARD
MINUTES**

**Monday
May 5, 2003
7:00 p.m.**

**Evergreen Recreation Center
2700 N. Woodland
Lounge Clubroom**

The District VI Advisory Board Meeting was held at 7:00 P.M. at Evergreen Neighborhood City Hall. In attendance were the District VI City Council Member, ten (10) District Advisory Board Members, nine (9) city staff, and (40) citizens. Approximately 59 were in attendance.

Members Present

Council Member Sharon Fearey
Florena Schneweis
Maurine Willis
Jaya Escobar
Bob Wine
Kyle Irvin
John Cohoon
Linda Matney
Rosalie Bradley
Dick Rumsey
Bob Schreck
C. Bickley Foster
David Pendergraft

Member Absent

Bickley Foster

Guests

Listed at end

Staff

Steve Lackey, Director Public Works
Neil Cable, Public Works
Jamie Prothro, Evergreen Branch Library
Sgt. Henderson, Patrol North
Officer Kyle, Patrol West
Lt. Jeffrey Wygle, Patrol West
Officer Paul Kimble, Patrol North
Officer Jenson, Patrol North
Terri Dozal, Neighborhood Assistant

Call to Order

Council Member Fearey called the meeting to order at 7:08 P.M. and welcomed guests. DAB members were asked to introduce themselves and the area they represented.

Approval of Minutes

The minutes for April 7 and 16, 2003 were approved as submitted (**Schreck/Matney 9-0**)

Approval of Agenda

The agenda was approved with the following amendment. (**Schreck/ Matney 9-0**)

- ♦ *Under Announcements*, **Member Willis** added a brief update on the "Don't Trash Wichita" press conference she attended

PUBLIC AGENDA

Complaint about Plaza Mexico located at 808 W. 25th street by Lola Howard, former president of the North Riverbend neighborhood association and Wendell Turner, former president of the North Chisholm Creek neighborhood association.

Lola Howard, 2534 Mascot stated the weekend of May 4th, *Ms. Howard* was subjected to very loud music coming from outside at Plaza Mexico. *Ms Howard* stated that *Mr. Banuelos*, the owner of Plaza Mexico had come to the DAB and promised there would be no out side activities at the store.

Wendell Turner was called by *Lola Howard* to come and hear the music coming from Plaza Mexico. *Mr. Turner* made a videotape of the loud music from 5 blocks away. *Mr. Turner* then showed the short videotape. The owner told the DAB there would never be drinking, dancing or music outside. When *Mr. Turner* spoke with the Police they said they didn't have a decibel meter to measure the sound. This must never happen again.

Keith Koontz, 2224 Woodland, also a past president of the North Riverbend Neighborhood Association then quoted the Cabaret license ordinance.

Miguel Banuelos, Plaza Mexico stated that *Terri Dozal*, neighborhood assistant called and asked him if he was going to hold a celebration for Cinco de Mayo.

Banuelos told her no and then he said the tenants of Plaza Mexico said they need to do some sort of celebration. Banuelos continue to say the DAB didn't support the plaza. I want to have a Cinco de Mayo Celebration; I have a right to celebrate fiestas. I want to do something for the kids in the neighborhood. Any complaint in the neighborhood, Banuelos said he wants to try and solve. I went at the last minute to get a permit. Anytime there is a Mexican event there is always a complaint about loud music. I don't want to have a dance every weekend. I want to celebrate our 16th September Independence Day, another fiesta and invite people to the Plaza.

There is nothing to do in this area for kids; other places have lots of fun stuff to do. On the 4th of July, you people can do whatever and what about the River Festival noise.

My plan is to have fun outside for kids this summer, to have ponies-balloons-jumping toys. Everyone calls the Police as it bothers different neighbors. The people from the church never complained. I'm sorry if I did wrong. You people need to listen to music it will turn your life around.

Jamie Protho, Evergreen Branch Library manager. On April 20th the Library heard music but there were no complaints and the weekend of May 3-4 again there were no complaints from patrons. We know that if a patron complains then we would have to go and ask them to turn down the music. I'm not sure why no one complained.

Sgt. Henderson, 2nd shift Patrol North, stated *Lola Howard* called about the loud music. When I turned the corner at 21st & Arkansas I could hear the music. I went and asked the owner to turn down the music. The owner kept saying he had a license for the event. *Sgt. Henderson* commented he had no access to city records over the weekend to check on the permit. *Margo Parks*, a city employee asked the owner to turn down and take the bass out of the music. Banuelos complied while Police were there but Henderson felt the music went back up once they would leave. The music was turned up again at 9: 00 pm and at that time the police asked for the music to be shut down.

Today, I found out Banuelos was in violation of the ordinance and not totally honest. He had no support from homeowners for the event. I tried contacting the church and received no response. If he violates the ordinance again he will be cited and if amplified sound is outside you will be cited and go to court. *Henderson* suggested using other form of getting more customers inside the store than playing loud music outdoors.

Member Rumsey asked if this were 4th of July would the reaction be the same from Wichita Police Department? Yes.

Randy Sparkman, OCI Zoning inspector explained his job position with responsibility for

licensing cabaret and dancehall events. *Sparkman* stated no cabaret license was issued for this past weekend for Plaza Mexico and no license for outdoor activities. *Sparkman* said he would sit with Wichita Police Department and trade info for anyone's benefit in this room for what went on this past weekend. My phone number is 268-4479.

Member Cohoon asked if any one could have a copy of the Banuelos application, *Sparkman* stated you can have a blank application but not the one Mr. Banuelos filled out.

Member Bradley asked what about when you get a license like garage sale? Yes, you get a paper in your hand.

Lola Howard said this was not a Cinco de Mayo issue. This had been going on all Sundays since Easter.

Keith Koontz said Plaza Mexico was a good idea for that building and all we ask is they abide by the rules.

Francisco Banuelos, 2209 N. Waco commented this neighborhood support bands, Cinco de Mayo is a holiday we celebrate. Six people complaining is nothing compared to all the Hispanic people on the north side. *Lola Howard* gets mad over everything. I don't think this is a big deal. When I mow my lawn next door to where she lives, she complains.

Member Escobar arrived at 7:30 p.m.

Council Member Fearey stated Plaza Mexico was a very good use for the building. We support the stores and want to work together with Wichita Police Department and the Health department. I appreciate everyone coming tonight. I hope everyone now understands the rules and will go forward.

STAFF PRESENTATIONS

1. Community Police Report

Officer Glen Kyle, Community Police, Patrol West attended the Hemp Festival to legalize Marijuana held in Riverside Park. *Kyle* stated street signs are missing in Riverside Park. Also, 928 N. Sheridan is a problem house and *Kyle* is working with Randy Sparkman to correct the problem.

******* Action Taken: Receive and File**

1a. Project Ceasefire

Tom Atteberry (ATF) Alcohol, Tobacco, Firearm & explosives division, discussed **Project Ceasefire**. The ATF is seeking more effort by Federal and State officers to investigate felons carrying guns and to seek their conviction. Felons should understand that if they are caught carrying a weapon it is an automatic 5-10-15 years or life in Federal prison. Depending on their criminal history, which includes rape, armed robbery and assault. *Atteberry* continued to say the warning display would be posted on billboards and promotion begins on May 12th and Attorney Johnny Cochran is the representative for TV ads and radio to promote that even as good as he is he couldn't get you out of this charge.

Member Escobar asked if this would include juvenile offenders? No was the response.

Atteberry continued that also investigating rogue firearm dealers who are putting guns on the street would be part of this project.

******* Action Taken: Receive and File**

2. **Sanitary Sewer Main to serve an area generally bound by 37th Street North, Broadway, 69th Street North, and west of Meridian (District VI)**

Neil Cable, Public Works staff discussed the sanitary sewer main project with a brief background of what makes up a sewer system. *Cable* commented this was not a formal public hearing; we are allowing the DAB to get information and hear about the project and see what steps to take next. The area within the boundary previously noted is served primarily by septic tank systems and there are concerns about pollution caused by the close proximity of private lateral lines to the Little Arkansas River. Sewerage from a house flows to tank ejector which pumps from the basement. The liquid portion goes into lateral field. These are 50 yr old homes, the area consists of sand and the soil is too porous. These are concerns to environment and health.

Cable discussed several options, 1) placing odorant in sewer mains, septic tanks are an issue as it turns neighbors against each other; 2) Extend mains through the area to develop more property, allow sewer to new subdivision or failing septic systems and 3) Take this presentation and notify the public if they want sewer system in the area. *Cable* mentioned notifying the public would be expensive, as it would cost \$10,000 to cover 1600 homes.

Member Willis asked if Meridian Gardens was considered for this project as they also are on septic tanks, I know of six people wanting to get sewer service as their septic doesn't drain when the big ditch is full. They are considering a petition for sewer.

Steve Lackey, Public Works Director said this was outside the project plan area and would not be included, they should continue the petition.

DAB members asked the following: *answers in italics*

- Is all property on map outside of city limits? *Yes.*
- Will you also install water? *Water already there.*
- Are they required to connect to main? *No. If mains are in they can connect with lateral to main.*
- What is the benefit of the main? *Allows sewer service in area to get to their homes.*
- What is a private septic system? *No multiple users.*
- People who are developing will they pay for main and laterals? *Yes.*
- Do we have any open lagoons sewage? *The area is to sandy for sewage lagoons*
- Failures of septic system –how to control? *No effective treatment and it goes into ground water and river. Some people have to pump septic system several times a week*
- Is this area part of eqqus beds? *New development near eqqus beds.*
- Does the Health Department determine need for Septic systems? *The area is checked yearly and if there is surfacing sewage and neighbors are complaining, a factor to consider.*
- Any comprehensive testing for ground water contamination? *Health Department researches files for failing systems. They study along Big & Little Arkansas River on pollution and the source of contamination.*
- Hard testing? *No.*
- Do you have drawing for laterals? *This is just to study the level of need not*

construction.

- Current Bond rates as low as they are, will the residents get low rate of interest?
Deferred till they hook-up

Lackey continued to say the Water and Sewer department would pay for main extensions. Residents could hook on with lateral and then pay later assessment. This needs to get cleared through Bond Council and Water and Sewer department first.

Members of the public spoke on this project, following are their comments:

Bill Pearce and 5 members of his family are representing the NW corner of 53rd & Meridian outside of city limits. Major local developer-near Moorings. Anxious to see sewer extended.

Member Matney asked are you developing housing? 125 acres for housing.

Jean Ferguson 5606 Sullivan, Where are you crossing Little Ark River? at s end of I-235- several areas cross the river South of 53rd street. Are treatment plants adequate to take this on? Yes, South Wichita lines have been upgraded.

James McKay, We need to be sensitive to the timing on this issue. When water came into this area the price ranged from \$1500-\$2000-\$15,000-\$20,000. There are a lot of widow ladies surviving on Social Security, they may have to sell homes. Bills have to be paid. Don't pursue this project quickly. We don't want people overwhelmed by another assessment.

Gloria Weeks, 5535 Sullivan since 1967, I have lived on a fixed income and may not have money to pay. We had new 1985 septic system put in and none in our area that are hazardous. Air pollution is from Park City treatment.

Mike Cant, 5615 Sullivan. I agree with previous speakers, due to the cost of taxes, many people would like to connect to sewer but it's heading in the wrong direction and homes would need to be re-plumbed. Assessment should be on connection not on Sq. ft. of lot.

Member Rumsey asked if the main cost will be assessed to developers? 50/50 assessment.

Cable stated that low-income deferral is for fixed incomes, the cost goes with the property when it's sold.

Member Escobar asked out of 1600 households, how many could qualify for deferral? Some it may not benefit.

Council Member Fearey stated one option would be to go to City Council and have everything ordered in under State ordinance.

Lackey explained that due to Public Health issues sewer systems can be ordered in.

Member Rumsey stated is it my understanding for the City of Wichita's intent not to force these residents to hook on to mains? *Lackey* commented we would place the mains in the neighborhood and hook up when needed. We don't want developers to install septic tanks. We want to hook them to sewer when available.

Rumsey asked would deferred payments be for all the area? Certain criteria will go into consideration, income levels.

Member Bradley asked if the area is a problem, how soon would the residents be forced to hook up? *Lackey* responded possibly one year. Depends on the design and bid. The process is the main has to be installed. Route main system to get to newly developed areas past Earhart first.

***** **Action Taken:** Due to annexation and this project has no immediate cost to pursue a public hearing for residents, subject to City of Wichita not forcing residents to hook up to laterals unless for health reasons (**Schreck/Willis 10-0**)

Member Pendergraft commented that Earhart School went out and paid hook up to the Sewer. It's convenient and beneficial if main is installed

Member Escobar stated we need to develop and plan for the future for the residents in the area. They also need to be made aware of information for funding of this project.

3. **Metropolitan Medical Response System**

Monique Garcia, Sedgwick County Health Department, was unable to attend and the neighborhood assistant invited the members and public to attend a training for May 30th at USD259 Instructional School Center for training to assist as volunteers at the Evergreen neighborhood center which is a distribution site in case of Bioterrorist attack/Public Health Emergency.

***** **Action Taken:** Receive and file

PLANNING

4. **ZON2003-00021 Zone change from "B" Multi-family Residential to "GC" General Commercial, on the southwest corner of Market and Murdock.**

***** **Action Taken:** DAB Members made a motion at the April 16, 2003 meeting to pass on viewing this case due to it's similarity to case ZON2003-00008

BOARD AGENDA

5. **Problem Properties**

None were submitted

6. **Neighborhood Reports**

None were submitted

UPDATES from the Council Member

309 N Market and the Alternative Correctional Housing Board: *Request Denied for Dodge House*

Historic Midtown Neighborhood Plan: *The members want to get the plan out to the neighborhood; any event that is taking place let me know so the board can take the plan to be reviewed.*

***** **Action Taken:** Receive and file

ANNOUNCEMENTS

- a. Public Works is closing Ferrell Street between 15th Street and Jeannette, immediately west of the Little Arkansas River (District VI) due to deterioration of a pavement slab over a sanitary sewer vault. The street will be closed to through traffic beginning 4-29-03 and will remain closed for the remainder of the week, for analysis of the structure. The

street will remain closed if reconstruction is deemed necessary. Access to three residences on Ferrell will be maintained from the south (local traffic only). Through traffic will be able to use Jeanette while Ferrell is closed. Questions can be directed to Neil Cable, City Engineer, at 268-4266.

- b. Comprehensive Traffic Plan is now online, check out www.wichita.gov
- c. CON2003-00013 conditional use to permit a 130-foot high monopole tower for T-Mobile on property zoned "GO" General Office and located north of 25th street North and east of Amidon. Scheduled for Wednesday, May 21, 2003.
- d. Celebrate Summer, May 31st in Evergreen Park, 1-5 p.m.
- e. June 2, 2003 DAB meeting, Chief Garcia, Fire department will discuss the relocation of the fire stations.
- f. Don't Trash Wichita press conference introduced a new commercial about enforcement of towing abandoned/inoperative vehicles within 10 days of receiving notice?

With no further business to discuss, the meeting adjourned at 9:16 p.m.

Guests

Jerry J. Prichard	1607 N. Clarence 67203 Indian Hills-Riverbend NA
Beverly & Keith F. Koontz	2224 Woodland, 67204
Judy Ferguson	5606 Sullivan 67204
Ruby & Wendell Turner	2623 Fairview
Lola L. Howard	2534 Mascot
Mary L. Wilmot	2465 Shelton
Gladys Harris	2520 Shelton
Mary Jo Weathers	2516 Shelton
Will & Rose Gibbons	5918 N. Legion St 67204
Kathy Ethridge	5709 Sullivan R. 67204
David Cardona	2502 Shelton
James B. McKinney	5720 Sullivan Road 67204
Charles Prichard	5720 Sullivan Rd. 67204
Bill Pearce	319 N. Belmont 67208
Miguel Banuelos	Plaza Mexico
Francisco Banuelos	2209 N. Waco

Respectfully Submitted,

Terri Dozal
6th District Neighborhood Assistant